REMARKS

By this amendment, claim 1 is revised and claim 2 is canceled to place this application in condition for allowance. Currently, claims 1 and 3-5 are before the Examiner for consideration on their merits.

In review, claims 1, 4, and 5 stand rejected under 35 U.S.C. § 102(e) based on United States Patent Application No. 2003/0098063 to Mori et al. (Mori). Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) based on Mori when taken in view of United States Patent No. 6,665,403 to Mills. Admitting that Mori does not teach the flange features of claim 2, the Examiner cites Mills for the teaching of a vapor vent valve mounted to a gas tank using a flange.

In light of the rejections, claim 1 has been revised to clarify several aspects of the original claim, and to include the features of claim 2 therein.

In light of the amendments to claim 1, it is respectfully submitted that the rejection based on Mills and 35 U.S.C. § 102(e) is moot. Moreover, the rejection based on Mori and Mills is improper for the reasons detailed below. It is also argued that Mori does not teach the features of the invention as now found in claim 1, and this is a further reason why the rejection should be withdrawn.

In review, claim 1 now defines the casing as having a common flange that allows the casing to be attached to the fuel tank. The flange also supports a fuel pump unit. Mills does not teach such a flange, and even if it were combined with Mori, the limitations of claim 1, as amended, would be taught or suggested. At best, Mills teaches a vapor vent valve that is mounted to a gas tank using a flange 34. There is no suggestion of using the flange to support a fuel pump, and Mills cannot be used by the Examiner to reject claim 1, as presently amended.

Moreover, the use of the flange to support a fuel pump provides advantages not recognized by Mills or Mori. The use of the flange for pump and float valve support reduces fuel permeation amount and the number of required fuel leak prevention valves. Also, the total number of constituent parts decreases, the assembly process is simplified, and production costs are reduced.

In light of the amendments to claim 1 and the arguments set forth above, Mori and Mills do not establish a *prima facie* case of obviousness against claim 1, and the rejection must be withdrawn.

Secondly, it is argued that Mori does not teach the other features of the claim 1, and this is another reason in favor of the patentability of claim 1 and withdrawal of the current rejection.

Claim 1 defines first and second ventilation holes. In the rejection, the Examiner contends that hole 32 in Mori is the same as the second ventilation hole. Although not stated, it is assumed that hole at the base of the small diameter portion 31 of Mori is alleged to be the first ventilation hole.

Applicants contend that Mori teaches a completely different type of valve as that claimed, and that the holes of Mori are not the same as those claimed.

Referring to page 5 of the specification, the invention is to arrange a fill-up control valve to function as a fuel leak prevention valve, thereby omitting or removing at least one or all of the fuel leak prevention valves. Referring to pages 9 and 10 of the specification, the float operates to close the ventilation passage when filling the gas tank so that fuel does not enter the canister. The fuel passes through the first ventilation holes to accomplish this sealing. The second ventilation holes are arranged in an upper part of the casing to provide communication between the float chamber and the inside space of the fuel tank. The second ventilation holes have the function

of immediately discharging fuel contained in the float chamber so that ventilation of fuel vapor can promptly restart upon detection of reaching a fill-up level of fuel with the float being raised upward, during the fuel filling-up operating, and closing of the ventilation passage when the fuel rushes inside the float chamber. This arrangement makes it possible to promptly reduce the pressure difference between the upstream side and the downstream side of the valve body occurring when the filled-up fuel in the fuel tank brings this valve body into contact with the valve seat. Thus, the valve body can quickly open and the fill-up control valve can sufficiently function as the fuel leak prevention valve.

Turning now to Mori, and paragraphs [0049, 0056, and 0057], the liquid level of fuel when the gas tank is full is equal to the lower end opening of smaller diameter portion 31 of the tubular member 3. In a normal condition, the liquid level of the fuel is below the float valve 5 in a normal condition. Only when the vehicle runs on a considerably rugged road or when the vehicle runs along a curved road, is there the possibility that fuel may enter the housing 4. From this description, it is apparent, according to Mori, that no fuel enters the float chamber during a normal fuel filling-up operation, and the float is not pushed upward by fuel. Thus, it is contended that Mori fails to disclose the first ventilation hole that allows fuel to enter the float chamber of the casing as well as the claimed float that rises upward when pushed by the fuel introduced via the first ventilation hole. Lacking these features, the rejection based on 35 U.S.C. § 102(e) and Mori is flawed, and this taints the rejection under 35 U.S.C. § 103(a).

In addition, it is contended that the differences above demonstrate that Mori also lacks the claimed second ventilation hole that allows the fill-up valve to also function as a leak prevention valve.

To summarize, there are a number of deficiencies in the rejection based on the combination of Mori and Mills. That is, the features of the flange supporting the valve and fuel pump are missing and the first and second ventilation holes and float as now defined in amended claim 1 are also missing. Accordingly, the rejection based on Mori and Mills should be withdrawn, and claims 1 and 3-5 should be passed onto issuance.

Therefore, the Examiner is respectfully requested to examine this application in light of this response and pass all pending claims onto issuance.

If the Examiner believes that an interview with Applicants' attorney would be helpful in expediting allowance of this application, the Examiner is respectfully requested to telephone the undersigned at 202-835-1753.

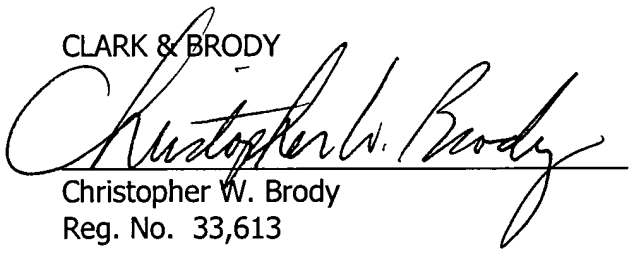
The above constitutes a complete response to all issues raised in the Office Action dated April 14, 2005.

A petition for a two month extension of time is hereby made. A check in the amount of $450.00 is attached for the late filing surcharge.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,

CLARK & BRODY



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